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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/737,588

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Yutaka Saito

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EXAMINER

MYERS, PAUL W

ART UNIT

PAPER NUMBER

2612

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DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,588

Applicant(s)

SAITO, YUTAKA

Examiner

Paul W Myers

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2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Claim 1 is objected to because of the following informalities:
 - a. In regard to claim 1, the specifications details several time periods of interest.
Claim 1 has the phrase “predetermined time” two times. The claim is unclear as to which time the two different “predetermined time” phrases are referring.

Appropriate correction is required.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show if the depressing of the button is < or > or = the time of the depression as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by US005097285A to Wakabayashi et al.

a. In regard to claim 1, Wakabayshi in column 2 lines 61-66 details detecting a shutter button (a control unit monitoring a button for instructing and execution of an image photographing process) to start a self timer (starting up said timer if said button is depressed continuously for a predetermined time of longer, and executing the image photographing process after said timer has counted a predetermined time). Note that in order for a button to be recognized the button would have to be depressed for a predetermined time or else the button would not be detected.

3. Claims 1, 2 and 5-9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP-174893 to Teruo Hieda.

b. In regard to claims 1 and 2, Teruo on page 2 second paragraph details that there are two signals S1 and S2 that are determined by the depression of one switch (102) and that S1 and S2 operate to different operation. Teruo on page 3 bottom paragraph to page 4 top paragraph details that if switch (102) is pressed for the time period shorter than the pre-set time period T1 (i.e. where in said control unit, if a depressing time of said button

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is less than the predetermined time) the mode (i.e. image photographing process) is switched (i.e. executes the image photographing process immediately after releasing said button from being depressed). Teruo on page 2 bottom paragraph details that if the switch is depressed for a time period less than T1 the signal S1 (i.e. image photographing process) is generated. Teruo further details that switch (102) is monitored to see if the button is depressed longer than a predetermined time or longer. Teruo on pg 3 middle paragraph details that once the button has been held down for a longer time than T1 a pulse is generated and then a second time T2 is starts (a control unit monitoring a button for instructing an execution of an image photographing process, starting up said timer if said button is depressed continuously for a predetermined time or longer). Teruo further details that the signal S2 is generated (and executing the image photographing process after said timer has counted a predetermined time). Teruo in figure 4 shows a period T1 and a period T2 of the timer. Teruo shows that T2 does not start until the button is depress longer than T1.

c. In regard to claim 5, refer to examiner's notes for claim 1.

d. In regard to claim 6, Teruo in figure 4 shows that T1 starts when switch (102) is depressed (i.e. wherein said control unit starts up said timer by setting a first count time upon detecting the depression of said button). Teruo further shows in part C that when the depression of the button is greater then T1, the time period T2 starts (i.e. and starts up said timer by further setting a second count time when the first count time has elapsed

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before the depressed button is released. For further details refer to examiner's notes for claims 1 and 2.

e. In regard to claim 7, refer to examiner's notes for claims 1 and 2.

f. In regard to claim 8, refer to examiner's notes for claims 1, 2 and 6.

g. In regard to claim 9, refer to examiner's notes for claims 1 and 2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US005097285A to Wakabayashi et al in view of US005438359A to Aoki.

h. Wakabayshi details the use of a shutter button on a camera. For further details refer to examiner's notes for claim 1.

Wakabayshi fails to explicitly state wherein said button is provided on a connectable/disconnectable image acquisition device.

However, Aoki in column 4 lines 5-17 details that his camera with shutter button is connectable/disconnectable to a personal computer. Aoki further details that by connecting the camera to the personal computer the camera will use the power supplied by the computer.

Therefore, it would have been obvious to anyone of ordinary skill in the art at the time of the invention to make the camera connectable/disconnectable to allow the computer to power the camera, thereby prolonging the life of the camera's battery.

6. Claims 4, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP-174893 to Teruo Hieda in view of US005923908A to Schrock et al.

i. In regard to claims 4 and 10, Teruo details a system that detects the depression and release of a button according to time periods in order to carry out image photographing processes. For further details refer to examiner's notes for claims 1 and 2.

Teruo fails to explicitly state the displaying, on a display device, a button of which a depression is detectable.

However, Schrock in column 2 lines 3 and 4 details the use of a display for displaying and detecting of a button. Schrock further details that the use of a touch screen helps to prevent vibration when the shutter is used.

Therefore, it would have been obvious to anyone of ordinary skill in the art at the time of the invention to combine Taro's button detection system with Schrock's touch screen of displaying and detection of a button in order to prevent vibration when pressing a shutter button.

j. In regard to claim 11, refer to examiner's notes for claims 1 and 2.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

k. US 4,542,970 to Suzuki et al for a camera with self timer started by the depression of a shutter button.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul W Myers whose telephone number is (703) 305 4039. The examiner can normally be reached on Mon-Fri 8am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305 4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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